

REMARKS

Initially, Applicants note that the remarks herein are supplemental to the remarks presented in the Response under 37 C.F.R. § 1.111 filed in the present application on October 6, 2003.

Claims 1-17 are currently pending. Applicants respectfully request reconsideration of the outstanding rejections and allowance of claims 1-17 in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

The Examiner has rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over NISHIKAWA et al. (U.S. Patent No. 5,610,447) and BAKERMANS (U.S. Patent No. 4,493,147) in view of SHIBAYAMA et al. (U.S. Patent No. 6,470,567).

However, it is pointed out that the SHIBAYAMA et al. (U.S. Patent No. 6,470,567) patent does not qualify as prior art against the present application for purposes of a rejection under 35 U.S.C. § 103(a) due to common ownership with the present application. See 35 U.S.C. § 103(c). It is noted that the SHIBAYAMA et al. patent issued from U.S. Application No. 09/695,037 which was filed on October 25, 2000 as a divisional of U.S. Application No. 09/257,508 which was filed on February 25, 1999, prior to the U.S. filing date of the present application on January 18, 2002, and prior to the 35 U.S.C. § 119 priority date of the present application which is January 22, 2001. However, since the SHIBAYAMA et al. patent issued on October 29, 2002, the rejection of claim 7 under 35 U.S.C. § 103(a) over

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NISHIKAWA et al. and BAKERMANS in view of SHIBAYAMA et al. is based on SHIBAYAMA being available as prior art under 35 U.S.C. § 102(e).

However, the present application and the SHIBAYAMA et al. patent were, at the time the invention of the present application was made, commonly owned by SUMITOMO WIRING SYSTEMS, LTD. It is noted that an Assignment of the invention of the present U.S. Application No. 09/050,168 to SUMITOMO WIRING SYSTEMS, LTD. was recorded at Reel 012784, Frame 0535 on April 12, 2002. Therefore, the rejection of claim 7 under 35 U.S.C. § 103(a) as being unpatentable over NISHIKAWA et al. and BAKERMANS in view of SHIBAYAMA et al. is improper at least due to the unavailability of the SHIBAYAMA et al. patent as prior art pursuant to the provisions of 35 U.S.C. § 103(c). Accordingly, the withdrawal of such rejection is respectfully requested.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections, and an early indication of the allowance of claims 1-17.

SUMMARY AND CONCLUSION

In view of the foregoing, it is submitted that the present response is proper and that none of the references of record, considered alone or in any proper combination thereof, anticipate or render obvious Applicants' invention as recited in claims 1-17.

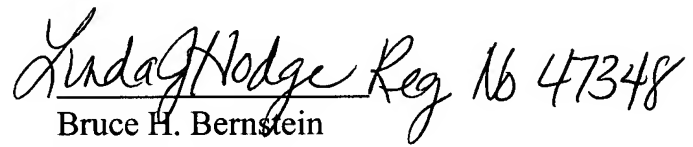
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Accordingly, consideration of the present response, reconsideration of the outstanding Official Action, and allowance of all of the claims in the present application are respectfully requested and now believed to be appropriate.

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

Should there be any questions, the Examiner is invited to contact the undersigned at the below listed number.

Respectfully submitted,
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